

minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction," was taken up and made special order for Thursday next at 10:30 A. M.

On motion of Senator Pyle, the Senate adjourned to 10 o'clock A. M. Monday.

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SENATE CHAMBER,  
AUSTIN, TEXAS, May 5, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Wright.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

On motion of Senator Dohoney, Senator Flanagan was granted leave of absence for ten days, commencing on the tenth instant.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 320, "An act to be entitled an act to validate certain land certificates therein named," have carefully considered the same, and report the bill back and recommend its passage.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 326, "An act to be entitled an act to validate first class land certificate No. 150, issued to Freeman Prewitt by the Board of Land Commissioners of Jasper county, July 5, 1839," having carefully considered the same, I am instructed to report the same back and recommend its passage.

D. W. COLE, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 477, "An act to be entitled an act to authorize the Commissioner of the General Land Office to issue land warrant to William Caruthers," have had the same under careful consideration, and instruct me to report it back and recommend that it do pass.

D. W. COLE, Chairman.



Senator Flanagan, chairman of the Committee on Internal Improvements, submitted the following report:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 270, to be entitled "An act to amend an act to incorporate the Belton and Calvert Railroad Company," having had the same under consideration, instruct me to report a substitute with the recommendation that it do pass.

WEBSTER FLANAGAN, Chairman.

On motion of Senator Flanagan, Senator Dohoney was granted leave of absence for four days, commencing on the twelfth instant.

On motion of Senator Franks, Senator Randle was granted leave of absence for six days, commencing on the tenth instant.

Senator Finlay offered the following resolutions, which were adopted:

WHEREAS, It has pleased our Heavenly Father to take from us our beloved friend and associate, James H. Murray, assistant doorkeeper of the Senate, who departed this life on the third day of May, 1873; and

Whereas, Our departed friend had endeared himself to the people of our State by his many noble and manly traits of character; by his integrity and faithful performance of public services in times past, and by his benevolence and Christian charity towards his fellow-men during a long and eventful life; therefore, be it

*Resolved by the Senate*, That in the sudden death of our friend we are stricken with the deepest sorrow; that our State mourns his departure as one of those who come up from a former generation as memorable witnesses of our past glories and traditions, who are trembling on the verge of that futurity which shall soon know them only in the memory of their good deeds.

*Resolved*, That we tender to the family of the deceased our sincere sympathy and condolence in this, the hour of their deep and heart-touching bereavement.

*Resolved*, That these resolutions be spread upon the journals of the Senate, and that the President of the Senate be requested to transmit to the family of the deceased a copy of the same.

Senator Dohoney offered the following resolution:

*Resolved*, That the Senate shall hereafter hold two ses-



sions daily, meeting at 9 o'clock A. M. and 3 o'clock P. M. of each day.

Senator Ruby offered the following substitute:

Amend by substituting the words "one session from 9 o'clock A. M. to 3 P. M. daily."

On motion of Senator Sayers, the substitute was laid on the table.

Senator Sayers then proposed to amend the resolution as follows: Strike out three o'clock and insert 3:30 o'clock P. M. The amendment was adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Flanagan, Hall, Henry, King, Latimer, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—20.

Nays—Senators Ford, Fountain, Franks, Gaines, Rawson and Ruby—6.

Senator Ford proposed to amend as follows: Amend by adding to the resolution the following: "*Provided*, the afternoon sessions shall be held on Mondays, Wednesdays and Fridays." Lost by the following vote:

Yeas—Senators Ford, Fountain, Gaines, Rawson and Ruby—5.

Nays—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Franks, Hall, Henry, King, Latimer, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tracy and Word—21.

Senator Dohoney asked leave to amend his resolution by inserting 4 o'clock in lieu of 3:30 o'clock P. M. Leave granted.

The question then being the adoption of the resolution, the same was put and the resolution adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Sayers, Shelley, Swift, Tracy, Word and Mr. President—24.

Nays—Senators Ford, Gaines and Ruby—3.

Senator Shelley moved to postpone the three special orders for this hour until the morning call was over. Carried.

A message was received from the House informing the Senate that the House had passed the following bills:



House bill No. 474, "An act to incorporate the Hearne, Belton and Northwestern Railroad Company, and aid in constructing the same."

House joint resolution No. 553, authorizing Hon. I. G. Killough to draw the pay of Hon. Louis Frankée, deceased.

House bill No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

Also, that the House had adopted a concurrent resolution concerning the payment of scholastic census takers.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz.:

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county."

Senate joint resolution No. 39, memorializing Congress to provide for the improvement of the entrance into Matagorda Bay.

HENRY C. KING, Chairman.

Senator Shelley made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 111, to be entitled "An act to supply the records of Lampasas county destroyed by fire," having carefully considered the same, I am instructed to report it back to the Senate and recommend the adoption and passage of the accompanying substitute.

N. G. SHELLEY, for Committee.

Senator Shelley moved a suspension of the rules to consider the report just read. Carried.

Senator Shelley then moved the adoption of the substitute. Carried.

The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Shelley, chairman of the select committee, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your select committee to whom was referred Senate joint resolution No. 40, "Authorizing and requiring the Governor to summon a posse for the purpose of pursuing and arresting certain persons accused of crime,"



have carefully considered the same and ask leave to report the accompanying substitute and recommend its passage.

N. G. SHELLEY,  
J. E. DILLARD,  
A. J. FOUNTAIN.

Senator Shelley moved a suspension of the rules to consider the report just read. Carried.

Senator Shelley then moved the adoption of the substitute. Carried.

The resolution was read second time and ordered engrossed; rules suspended, and the resolution read third time.

Senator Ford offered the following amendment: Amend by striking out "fifty" and inserting "one hundred," after the words "to exceed." Lost.

The question then being on the final passage of the resolution, the same was put and the resolution passed.

Senator Flanagan offered the following resolution:

*Resolved*, That Senators be limited in speaking on all questions coming before this body to five minutes.

Adopted.

Senator Saylor introduced a bill entitled "An act authorizing and requiring the Secretary of State to perform certain duties."

The bill was read first time, and on motion of Senator Ruby, was referred to the Committee on Printing by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Evans, Gaines, Hall, Henry, King, Latimer, Rawson, Ruby, Sayers, Swift, Tracy, Word and Mr. President—17.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Pyle, Randle and Saylor—8.

A message was received from the House informing the Senate that the House had refused to concur in the amendments of the Senate to House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean."

Senator Fountain moved that the Senate refuse to recede from its amendments. Carried.

Senator Flanagan then moved that a committee of conference be appointed. Carried.



[May 5, 1873.]

The President appointed the following committee: Senators Flanagan, Ball and Latimer.

Senator Fountain introduced a bill to be entitled "An act for the printing of the General Laws in the German and Spanish languages. The bill was read first time.

Senator Fountain moved a suspension of the rules, and that the bill be read a second time. Lost by the following vote:

Yeas—Senators Baker, Ball, Cole, Ford, Finlay, Fountain, Flanagan, Franks, Gaines, Hall, King, Latimer, Pyle, Ruby, Saylor, Sayers, Shelley, Tracy and Mr. President—19.

Nays—Senators Avinger, Dillard, Evans, Henry, Rawson, Swift and Word—8.

The hour having arrived, the special order, viz., Senate bill No. 258, "An act to amend sections seven, ten and twenty of an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to said company to aid in the construction of the same," was taken up.

Senator Flanagan in the chair.

Bill read second time.

Senator Henry offered the following amendment: In section two, line twenty-three, add after the word "Clarks-ville" the words "and within one-half mile of the center of the town of Pittsburg."

Add to section four, after line twelve, the following: "Provided, the gauge of said road shall not be less than four feet eight and a half inches."

Section six, line four, strike out the words "passage of this act," and insert "issuance of said certificates."

Adopted.

Senator Dohoney proposed to amend section two, line nineteen, printed bill, by striking out the word "forty" and inserting the word "thirty." Adopted.

The bill was then ordered engrossed; rules suspended, bill read third time and passed the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle Ruby, Saylor, Swift Tracy and Word—24.

Nay—Senator Shelley—1.

The hour having arrived for the special order, the same



was taken up, viz., Senate bill No. 307, "An act to reorganize certain judicial districts and to abolish certain districts therein named."

Question pending when the bill was last before the Senate was the adoption of Senator Baker's amendment to strike out "twenty-two" and insert "twenty-seven," in line seven, section twenty. Amendment adopted.

Senator Swift proposed the following substitute for section fourteen: "SEC. 14. That the counties of Walker, Madison and San Jacinto are hereby attached to and made a part of the Third Judicial District." Adopted.

Senator Saylor proposed to amend section thirteen by striking out "nineteen" and inserting "twenty-eight." Adopted.

Senator Ruby proposed to amend by striking out section nine. Lost by the following vote:

Yeas—Senators Baker, Cole, Ford, Finlay, Flanagan, Franks, Hall, Ruby, Saylor, Swift and Tracy—11.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Henry, King, Latimer, Pyle, Rawson, Shelley, Word Mr. President—13.

Senator Flanagan moved to strike out sections three and four. Adopted by the following vote:

Yeas—Senators Baker, Ball, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Randle, Ruby and Saylor—13.

Nays—Senators Avinger, Cole, Dillard, Henry, King, Latimer, Rawson, Shelley, Swift, Tracy, Word and Mr. President—12.

Senator Shelley proposed to recommit the bill to Judiciary Committees Nos. 1 and 2.

The hour having arrived for the special order, viz., House bill No. 47, "An act supplemental to and amendatory of an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871."

On motion of Senator Finlay it was postponed until the pending business was disposed of.

The question then recurring on Senator Shelley's motion to recommit the bill, the same was lost by the following vote:

Yeas—Senators Baker, Cole, Dohoney, Ford, Flanagan, Fountain, Gaines, Hall, King, Pyle, Ruby, Sayers, Shelley and Tracy—14.



Nays—Senators Avinger, Ball, Dillard, Evans, Finlay, Franks, Henry, Latimer, Rawson, Randle, Saylor, Swift, Word and Mr. President—14.

Senator Tracy moved to indefinitely postpone the whole subject matter. Lost by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Gaines, Hall, Randle, Ruby and Tracy—8.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Latimer, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Word and Mr. President—19.

Senator Saylor proposed to amend by striking out fifteenth section. Adopted by the following vote:

Yeas—Senators Avinger, Baker, Dillard, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Ruby, Saylor, Sayers, Shelley and Swift—16.

Nays—Senators Ball, Dohoney, Henry, King, Latimer, Rawson, Word and Mr. President—8.

Senator Hall proposed to amend section seventeen by striking out "Freestone county." Adopted.

Senator Sayers proposed to amend by striking out section sixteen. Adopted by the following vote:

Yeas—Senators Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Saylor, Sayers and Tracy—16.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Henry, Latimer, Shelley, Swift and Word—9.

On motion of Senator Baker, the vote adopting his amendment to section twenty, to strike out of seventh line the words "twenty-two," and insert "twenty-seven," was reconsidered, and the amendment withdrawn.

On motion of Senator Baker, the words "the Twenty-Second Judicial District," was stricken out of line seven, section twenty.

Senator Franks proposed to amend by striking out sections seven, eight and ten.

On motion of Senator Pickett, the amendment was laid on the table.

Senator Franks moved to reconsider the vote by which Chambers county was stricken from Galveston district.

Senator Dillard moved to lay the motion on the table. Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Evans, Henry, Latimer, Swift and Mr. President—8.



Nays—Senators Baker, Ball, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—19.

The question recurring on Senator Franks' motion to reconsider, the same was put, and vote reconsidered.

On motion of Senator Baker, the vote adopting his substitute for section eleven was reconsidered, and Hays county withdrawn from the substitute, and substitute re-adopted.

Senator Shelley proposed to recommit the bill to Judiciary Committees Nos. 1 and 2. Lost.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 3, 1873. }

*To the Honorable Senate and House of Representatives  
of the State of Texas :*

GENTLEMEN: I am just in receipt of a communication from his Excellency Marsh Giddings, Governor of New Mexico, replying to my communication of fourteenth March, 1873, written in compliance with a joint resolution of the Legislature, approved same date, inquiring whether the remains of Texas soldiers who fell at the battles of Glorietta and Val Verde, and of those who were buried at Albuquerque and Santa Fé, in New Mexico, during the late war, require further interment, and he informs me "that no action is requisite in the matter, as all those who fell in battle, and all those in regard to whom information is sought, have been decently and properly interred in the public cemeteries of the Territory of New Mexico."

Very respectfully,

EDMUND J. DAVIS, Governor.

Consideration of Senate bill No. 307 resumed.

Senator Franks proposed to amend as follows: "That the county of Chambers is hereby attached to and made a part of the nineteenth judicial district." Adopted.

Also proposed the following: "That the county of Wharton is hereby attached to and made a part of the eighteenth judicial district." Adopted.

Senator Randle proposed to amend section twenty by striking out "third" and inserting "thirteenth."

Senator King submitted the following report:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 258, "An act to amend sections seven, ten and twenty, of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant lands to said company to aid in the construction of its road."

HENRY C. KING, Chairman.

Senator Fountain moved to adjourn until 9 o'clock tomorrow, which was lost by the following vote:

Yeas—Senators Baker, Ford, Gaines and Rawson—4.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tracy and Word—22.

On motion of Senator Swift, the Senate adjourned to 4 o'clock P. M., by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Flanagan, Franks, Hall, Henry, King, Latimer, Pyle, Randle, Sayers, Shelley and Swift—18.

Nays—Senators Ford, Finlay, Fountain, Gaines, Rawson, Ruby, Saylor, Tracy and Word—9.

#### AFTERNOON SESSION.

Senate met at 4 o'clock P. M., pursuant to adjournment. Roll called; quorum present.

The Senate resumed the consideration of Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain judicial districts therein named," pending the following amendment offered by Senator Randle, viz.: Amend section twenty by striking out the word "third," and inserting "thirteenth."

Senator Dillard moved to lay the amendment on the table, which was lost by the following vote.

Yeas—Senators Avinger, Ball, Dillard, Evans, Latimer and Word—6.

Nays—Senators Baker, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Randle, Saylor, Sayers, Swift and Tracy—15.

The question recurring on the adoption of the amendment, the same was put, and the amendment adopted by the following vote:

Yeas—Senators Baker, Ball, Cole, Flanagan, Fountain,



Gaines, Hall, Pyle, Randle, Saylor, Sayers, Swift and Tracy—13.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Latimer and Word—7.

Senator Sayers offered the following amendment: Amend by striking out section eighteen. Adopted.

Senator Franks offered the following amendment: "That the county of Waller is hereby attached to and made a part of the Twenty-first Judicial District." Adopted.

On motion of Senator Baker, the bill as amended was then ordered engrossed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Finlay, Flanagan, Fountain, Franks, Hall, Latimer, Pyle, Randle, Saylor, Sayers, Swift and Tracy—16.

Nays—Senators Dillard, Dohoney, Evans, Gaines, Henry, Word and Mr. President—7.

Senator Saylor moved to reconsider the vote just taken. Carried.

Senator Saylor then offered the following amendment: Amend section twenty, line eight, by striking out the words "and the Twenty-eighth Judicial District." Adopted.

Senator Ford moved to reconsider the vote attaching Chambers county to the Nineteenth Judicial District. Lost.

The bill was then ordered engrossed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Randle, Saylor, Sayers, Swift and Mr. President—18.

Nays—Senators Dillard, Evans, Ford, Gaines, Ruby, Tracy and Word—7.

House bill No. 47, "An act supplemental to and amendatory of an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," was taken up, and read a second time and passed to a third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Pyle, Randle, Ruby, Saylor, Sayers, Swift, Tracy and Mr. President—23.

Nay—Senator Word—1.



The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,  
AUSTIN, May 5, 1873.

*To the Honorable Senate and House of Representatives  
of the State of Texas:*

GENTLEMEN: I call your attention to the two bills sent me on the first instant, providing for the organization of the two new counties, Waller and Gregg.

These two proposed counties are in area largely less than the constitutional limit, and they also leave the counties from which they are taken of such less area; but as they passed both houses of the Legislature by a vote very considerably larger than the constitutional requirement of two thirds, I have not thought it advisable to return them with objections. But the creation of such counties is clearly contrary to good policy; the county organization must necessarily be too weak for efficiency, and will probably continue so for many years—this remark applying to the newly created counties as well as the counties from which they are taken. It must be remembered that there are scarcely a half dozen counties in the State having good jails and court houses, and the excuse for this is constantly given that the counties are too weak in population and wealth.

I seriously doubt whether the people in the old or new counties affected by these changes have any particular desire that they should be made.

At any rate I would make the suggestion that the question of the creation of these new counties be submitted by a supplemental bill to a vote of those people before they are allowed to take effect. The same suggestion might apply to the other counties created at this session.

I ask the consideration of this matter by the houses.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Hall moved a suspension of the rules to take up out of its order Senate bill No. 270, "An act to amend an act to incorporate the Calvert and Belton Railroad Company." Carried.

The report of the Committee on Internal Improvements recommending a substitute for the bill was adopted. The bill was read second time.



Senator Pyle moved to amend section one by striking out the name of A. Faulkner. Adopted. The bill was then ordered engrossed; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, Pyle, Randle, Ruby, Swift and Tracy—17.

Nays—Senators Dillard, King, Latimer and Word—4.  
Senator Dohoney in the chair.

Senator Fountain moved a suspension of the rules to take up out of its order House bill No. 663, "An act to provide for the protection of life and property in certain counties in this State." Carried. The bill was read second time and made special order for to-morrow at 11 o'clock A. M., and one hundred copies ordered printed.

Senator Ruby moved a suspension of the rules to take up out of its order House bill No. 148, "An act amendatory of and supplemental to an act entitled an act to incorporate the Merchants' Mutual Insurance Company, approved September 1, 1866." Carried. The bill was read second time.

Senator Ruby proposed to amend by striking out the word "mutual" wherever it occurs. Adopted. The rules were further suspended, the bill read third time and passed.

On motion of Senator Baker, the Senate adjourned to 9 o'clock A. M. to-morrow.

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SENATE CHAMBER, }  
AUSTIN, TEXAS, May 6, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Latimer submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I beg leave to report on behalf of Committee on Enrolled Bills that I did, on Saturday the third instant, at 1:45 P. M., present to His Excellency the Governor, for his approval and signature, the following Senate bills, to-wit: